UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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WAGNER, MURABITO & HAO LLP
Third Floor
Two North Market Street
San Jose, CA   95113

EXAMINER
NGUYEN, CHANH DUY

ART UNIT	PAPER NUMBER
2675	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/942,437	GETTEMY, SHAWN R.
	Examiner	Art Unit	
	Chanh Nguyen	2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _13 September 2004_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-32_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-8,13-20 and 25-29_ is/are rejected.

7)☒ Claim(s) _9-12,21-24 and 30-32_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   The amendment field on September 13, 2004 has been entered and considered

by examiner.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-6, 13, 15-18, 25-26 and 28-29 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Helms (U.S. Patent No. 5,760,760) in view of Shirriff (U.S.

Patent No. 6,094,185).

With regard to claim 1 , Helms discloses a podable computer system (figure 1)

including a processor coupled to a bus (figure 2, item 204a)', a light sensor coupled to

said bus and for providing an ambient light information signal to said processor (figure2,

item 14)', a lighted display device coupled to said bus and for providing a visual

display (figure 2, item 12)., a display controller coupled to said bus and for controlling

said visual display (figure 2, item 204); a data storage device coupled to said bus and

comprising reconfigured dynamically adjustable brightness range setting data for

implementing a plurality of different stored ranges, and wherein said processor

automatically selects a stored range of said plurality of stored ranges based on said

ambient light information signal from said light sensor for use in dynamic brightness

contorl(figure 2, item 204b and column 2, lines 12-15 and lines 35-39), wherein each

stored range of said plurality of stored ranges comprises a brightness range maximum

value and a brightness range minimum value (at least two ways to interpret this broad

language, for example the inherent nature of a "range" is to have a maximum value at

the high end and a minimum value at the low end of the "range" of which the reference

clearly has).·

    Although Helm does not mention the term "simultaneously stored ranges", but

Helm states that "In one embodiment, the ABL signal <u>values are stored in the memory

204b </u>as a lookup table indexed by the input AL signal value"(see column 3,lines 60-

62). Thus, would has been obvious that Helm's memory 204b can store more than one

range at the same time because number of ABL signal values of Helm can be stored in

the memory. In addition, examiner cited the reference of Shirriff to teach a memory 40

can simultaneously store a plurality of user preference values or brightness (see column

4,line 33 through column 5,line 2). Therefore, it would have been obvious to one of

ordinary skill in the art at the invention was made to have used the memory of Shirriff

which can store a number of brightness values or ranges to the memory of Helm so as

to allow a user to accurately reproduce the image color tone on a computer display (see

column 2, lines 20-25 of Shirrif)

    With regard to claim 2, Helms teaches the portable computer system of claim 1

fudher comprising an adjustment display for enabling the user to adjust a brightness

setting within said selected range for said display device (figure 2, item 16).

With regard to claim 3, Helms teaches the portable computer system of Claim 1

wherein said lighted display device is transmissive (figure 2, item 12).

With regard to claim 13, Helms teaches a portable electronic device (figure 1)

comprising: a processor coupled to a bus (figure 2, item 204a)', a light sensor coupled

to said bus and for providing ambient light information signal to said processor (figure 2,

item 14)*, a lighted display device coupled to said bus and for providing a visual display

(figure 2, item 12)., a display controller and for controlling said visual display (figure 2,

item 204); a data storage device coupled to said bus and comprising a plurality of

reconfigured dynamically adjustable brightness ranges', and wherein said processor

selects a brightness range of said stored brightness ranges based on preset range

configuration data and said ambient light information signal from said light sensor (

figure 2, item 204b and column 2, lines 12-15 and lines 35-39) wherein each stored

range of said plurality of stored ranges comprises a brightness range maximum

value and a brightness range minimum value (at least two ways to interpret this

broad language, for example the inherent nature of a "range" is to have a maximum

value at the high end and a minimum value at the low end of the "range" of which the

reference clearly has). Shirrif teaches a memory store more than one range at the

same time as previously discussed with respect to claim 1 above.

With regard to claim 15, Helms teaches the portable electronic device of Claim

13 wherein said lighted display device is transmissive (figure 2, item 12).

With regard to claim 25, Helms teaches in a portable electronic device (figure 1),

a method of responding to a change in ambient light conditions comprising: a) detecting

said change in ambient light conditions and generating a signal in response thereto

(figure 2, item 14); b) in response to said signal, a processor (figure 2, item 2043) of

said portable electronic device selecting a brightness range from a plurality of stored

brightness ranges based on reconfigured range information', and c) implementing said

brightness range to alter the brightness of a display device (figure 2, item 12) of said

portable electronic device (figure 2, item 204b and column 2, lines 12-15 and lines 35-

39) wherein each stored range of said plurality of stpred ranges comprises a

brightness range maximum value and a brightness range minimum value (at least

two ways to interpret this broad language, for example the inherent nature of a "range"

is to have a maximum value at the high end and a minimum value at the low end of the

"range" of which the reference clearly has). Shirrif teaches a memory store more than

one range at the same time as previously discussed with respect to claim 1 above.

With regard to claim 26 Helms teaches a method as described in Claim 25

further comprising: d) allowing a user to adjust a brightness setting within said selected

brightness range; and e) altering said brightness of said display device based on said

brightness setting (figure 2, item 16).

With regard to claim 28 Helms teaches a method as described in Claim 25

wherein c) comprises employing a time delay between any brightness transition of said

display device (It is inherent that there is a time delay).

With regard to claim 29 Helms teaches a method as described in Claim 25

wherein a) is performed by a light sensor of said portable electronic device (figure 2,

item 14).

With regard to claims 4-6 and 16-18 Helms did not give an illustration of the portable computer system of Claim 1 wherein said lighted display device is emissive, reflective and transflective.

However such display types are well-known alternatives to the LCD illustrated by Helms, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute other well-know display types for an LCD absent unexpected results because such other simple applications of the Helms concept are viewed as merely directed towards an "OBVIOUS INTENDED USE" of the Helms invention where he states this in column 6, lines 29-52 to summarize, a LCD was used.

5.   Claims 7, 8, 14, 19, 20 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helms (5,760,760) in view of Shirriff, as applied to claims 1, 13 and 25 , and further in view of Wagner (5.933,130).

With regard to claim 7, Helms and Shirriff do not teach the portable computer system of Claim 2 wherein said adjustment display comprises a brightness bar with user adjustable slider. Wagner teaches adjustment display comprises a brightness bar with user adjustable slider" (See Wagner figure 7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the brightness bar slider as taught by Wagner in the apparatus of Helms because Wagner illustrated that it is a well-known practice in the prior art to use a brightness bar slider instead of a mechanical knob and in addition a GUI is more simple and cost effective then having a specific dedicated mechanical

control.

.   With regard to claim 8, the combination of Helms and Wagner teaches the

portable computer system of Claim 7 wherein said adjustment display comprises a

plurality of selectable brightness levels (See Helms column 2, lines 35-38 also see

Wagner figure 9 item 62 "SELECT RANGED).

With regard to claims 14, 19 and 20 the combination of Helms and Wagner was

shown in claims 2 and 7-8 to read on the limitations claimed.

With regard to claim 27 the combination of Helms and Wagner was shown in

claim 7 to read on method as described in Claim 26 wherein said d) is implemented

using a graphical user interface.

Allowable Subject Matter

4.   Claims 9-12, 21-24 and 30-32 are objected to as being dependent upon a

rejected base claim, but would be allowable if rewritten in independent form including all

of the limitations of the base claim and any intervening claims.

Response to Arguments

5.   Applicant's arguments with respect to claims 1-8, 13-20 and 25-29 have been

considered but are moot in view of the new ground(s) of rejection.

In view of amendment, the reference of Shirriff has been added for new ground

of rejection.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chanh Nguyen whose telephone number is (703) 308-

6603. The examiner can normally be reached on Monday- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Steven Saras can be reached on (703) 305-9720. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Chanh   Nguyen
Primary Examiner
Art Unit 2675

C. Nguyen
February 6, 2005